

CHAPTER V – JURISDICTION IN CHILD WELFARE

I. PURPOSE

Child Protective Services are federally mandated, however, North Carolina remains one of the few states that administer^s its child welfare system at the county level. These federally mandated services are applicable to the entire state without consideration to county lines. The Division of Social Services (the Division) recognizes that all children in North Carolina have the right to live free of abuse and neglect without regard to where they live or with whom they live. Therefore, all 100 counties in North Carolina bear the responsibility for ensuring the safety and well-being of all children and their families.

This policy provides guidance but does not cover every conceivable situation that may arise. Therefore, counties must remember that some basic premises exist that guide this policy.

The safety of North Carolina's children and their families is paramount. Although North Carolina is a county-administered system, the protection of children knows no county lines.

The county of residence is the primary county responsible for the delivery of services to a family. NCGS § 153A-257 (http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_153A/GS_153A-257.html) provides guidance to the Division to determine which county is responsible for a needy person who meets the eligibility requirements for public assistance offered by the county or for social services required by the person. This statute includes a provision about the residence of a minor and further provides that the Division is responsible for determining which county shall be provide child protective services when two or more counties cannot agree. Although the statue does not define the term "reside," it is clear that in this context the term has its ordinary meaning. A child "resides" where:

- He or she is receiving public assistance,
- He or she is enrolled in school or childcare,
- He or she works,
- He or she receives mail, or
- The location listed on the child's medical records, driver's license, or library card.

The child resides in the place where he or she sleeps most often, lives, and has the greatest number of daily contacts unless the child is in a licensed foster care placement, a hospital, or other remedial facility.

This policy defines a process that addresses the complicated issues presented when more than one county is engaged in the delivery of services to a family.

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With the implementation of the Multiple Response System, county child welfare agencies utilize the principles of both family-centered practice and System of Care. Both recognize that the protection of children is a collaboration between the county child welfare agency, the family, and other professionals that are involved with the family. It is also a partnership between county child welfare agencies where collaboration and accountability model a desired behavior to the families that are served.

When the family-centered practice and System of Care principles are applied to the interactions with families and other professional, there is the expectation to see greater accountability which leads to better outcomes for children and families.

When the delivery of child welfare services involves multiple counties, it is expected that each county child welfare agency work in a collaborative and coordinated manner in order to provide greater continuity of services to families while providing stability and ensuring safety for children. Each community is best able to identify, build, and make the most of existing resources to assist families.

This section will provide guidance on conducting Child Protective Services (CPS) Assessments that involve out-of-home placement providers, as well as, when there are multiple counties involved. Guidance is also provided for situations when multiple counties are involved during the provision of CPS In-Home Services, Child Placement Services and Adoption Services that involve disruptions and dissolutions.

When a CPS report indicates more than one county will be involved with the delivery of services, the county where the child resides is responsible for conducting the CPS Assessment except for specific circumstances identified in this section. Whenever possible, face-to-face meetings should occur when discussing case decisions and case plans by all county child welfare agencies involved.

Note: When a county child welfare agency requests any assistance from another county child welfare agency, that request shall be honored.

II. LEGAL BASIS

North Carolina laws regarding the provision of protective services are located in Chapter 7B of the North Carolina General Statutes. Please refer to Chapter VIII: Section 1404 – Legal Basis and Statutes (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-60/man/CS1404.PDF>) for additional information regarding the laws that govern the provision of child protective services in North Carolina. Additional guidance is provided in North Carolina's Administrative Code Title 10A - Health and Human Services - Chapter 70 - Children's Services (<http://reports.oah.state.nc.us/ncac.asp?folderName=\Title 10A - Health and Human Services\Chapter 70 - Children's Services>).

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Laws regarding the provision of child placement services are also located in Chapter 7B of the North Carolina General Statutes. Please refer to 1201 Child Placement Services (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-10/man/>).

Chapter 48 (<http://www.ncleg.net/gascripts/Statutes/StatutesTOC.pl?Chapter=0048>) of the North Carolina General Statutes establishes a clear judicial process for adoptions. Please refer to Chapter VI: Adoption Services (<https://www2.ncdhhs.gov/info/olm/manuals/dss/csm-50/man/>) for additional guidance regarding the delivery of adoption services.

A. Determining the County Child Welfare Agency Responsible for Providing Social Services

When determining the county child welfare agency responsible for providing services, the guiding principle is where the child (ren) resides.

To determine the county with the responsibility to provide social services, NCGS §153A-25 (http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_153A/GS_153A-257.html) states:

Legal residence in a county determines which county is responsible (i) for financial support of a needy person who meets the eligibility requirements for a public assistance or medical care program offered by the county or (ii) for other social services required by the person.

1.) Legal residence in a county is determined as follows:

- (a.) Except as modified below, a person has legal residence in the county in which he or she resides.
- (b.) If a person is in a hospital, mental institution, nursing home, boarding home, confinement facility, or similar institution or facility, he or she does not, solely because of that fact, have legal residence in the county in which the institution or facility is located.
- (c.) A minor has the legal residence of:
 - (i) The parent or other relative with whom he or she resides.
 - (ii) If the minor does not reside with a parent or other relative and is not in a foster home, hospital, mental institution, nursing home, boarding home, educational institution, confinement facility, or similar institution or facility, he or she has the legal residence of the person with whom he resides.

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When a child is in the legal custody of a county child welfare agency, please refer to page Chapter VIII: Protective Services, Section 1410 – Conflict of Interest.

- (iii) Any other minor has the legal residence of his or her mother,
 - A. If the mother's residence is not known, then the legal residence of his or her father,
 - B. If the residence of either parent is unknown, the minor is a legal resident of the county in which he or she is found.

If the minor is in the legal custody of the father, then the minor's residence shall be that of the father.

- 2.) A legal residence continues until a new one is acquired, either within or outside this State. When a new legal residence is acquired, former legal residences terminate.
- 3.) This section is intended to replace the law defining "legal settlement." Therefore, any general law or local act that refers to "legal settlement" is deemed to refer to this section and the rules contained herein.

B. When Two or More County Child Welfare Agencies Disagree

Furthermore, NCGS §153A-257 (http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_153A/GS_153A-257.html) states: "If two or more county departments of social services disagree regarding the legal residence of a minor in a child abuse, neglect, or dependency case, any one of the county departments of social services may refer the issue to the Department of Health and Human Services, Division of Social Services, for resolution. The Director of the Division of Social Services or the Director's designee shall review the pertinent background facts of the case and shall determine which county department of social services shall be responsible for providing protective services and financial support for the minor in question. "

It is the expectation of the Division that prior to seeking the intervention of the Division that the respective county directors become involved in these disagreements and work towards a resolution.

III. CPS ASSESSMENTS

NCGS §7B-302 (http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-302.html) defines the responsibility of the director when receiving reports of child abuse, neglect, and dependency. North Carolina Administrative Code 10A NCAC 70A.0105(<http://reports.oah.state.nc.us/ncac/title%2010a%20->

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[%20health%20and%20human%20services/chapter%2070%20-%20children's%20services/subchapter%20a/10a%20ncac%2070a%20.0105.pdf](#)) further clarifies the responsibility of counties when receiving a report of alleged abuse or neglect.

A. Intake/Screening

Policy for screening reports of alleged abuse, neglect, and/or dependency can be found in Chapter VIII: Protective Services, Section 1407 – Structured Intake (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-60/man/CS1407.pdf>). NCGS §7B-302 (http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-302.html) directs county child welfare agencies that upon receipt of any report, a prompt and thorough assessment shall be conducted. The county that receives the report is responsible for screening the report based on the available information, with the exception of reports involving conflicts of interest for the county child welfare agency. Please see Section 1410 in Chapter VIII for details of how to screen reports involving conflicts of interest.

Note: Receipt of a report refers to the first time that the reporter contacts the agency even if that county child welfare agency will not be the county responsible for conducting the CPS Assessment. The screening decision will be made by the county child welfare agency receiving the report, with the exception of reports involving conflicts of interest for the county child welfare agency. The screening decision stands regardless of which county child welfare agency ultimately conducts the CPS Assessment or is requested to provide assistance. Given the statewide use of the Structured Intake Form and process, it is expected that what constitutes a report in one county also constitutes a report in any other county in North Carolina.

1.) Screening

The report shall be documented on the DSS-1402 Structured Intake Form (<https://www2.ncdhhs.gov/info/olm/forms/dss/dss-1402-ia.pdf>).

The screening decision for all reports shall determine if the report:

(a.) Meets criteria and is accepted.

When upon the receipt of a report that has been accepted for CPS Assessment by another county, the allegations are exactly the same as allegations that have already been assessed, the resident county should document the information and screen out the report.

(b.) Does not meet criteria and is not accepted, the screened out report shall be faxed to the county where the child resides at the time of the report, if applicable, with documentation supporting the screening decision within two hours.

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When a report that is not accepted by another county is received by the resident county, and there is a belief that based on information known to the resident county that the report should have been accepted, the resident county should make a self-report and screen the report accordingly.

- (c.) Meets criteria and is accepted, but is referred to the county that has been determined to have the responsibility for conducting the CPS Assessment based on residency of the child at the time of the report and as defined in statute.

The county child welfare agency that screened the report and accepted the report will indicate the reason that the report was accepted, and whether it was accepted for abuse, neglect, and/or dependency. The county child welfare agency conducting the CPS Assessment determines whether the case is assigned as a family assessment or investigative assessment in reports involving neglect (except for certain neglect reports) or dependency and assigns a response time to the report.

The process of referring the report shall be immediate. The timeframe for initiation begins with the first contact with the reporter. The responsibility for ensuring that the transfer of information occurred lies with the county screening the report.

When screening a report to determine if the report should be accepted for CPS Assessment, it is also necessary to determine if the report indicates that the issues pertain to licensed providers and/or which jurisdiction is responsible for assessing the allegations.

Categories of Multiple County Cases in CPS

Out of Home Placement	Requests for assistance
<p>The county child welfare agency that receives the report is responsible for screening the report based on the available information.</p> <p>Screening decisions are based on the statutory definitions of abuse, neglect, or dependency--not licensing policy.</p>	<p>The county child welfare agency that receives the report is responsible for the screening decision. The county child welfare agency that receives a request to complete an activity in a CPS Assessment does NOT make a determination regarding the acceptance of the report.</p>
<p>Definitions: Out of Home CPS Assessments are those involving children in foster homes, public and private group homes, other child caring institutions, boarding schools, Department of Health and Human Services facilities, and</p>	<p>Definitions: A request for assistance shall be made when the activity required in a CPS Assessment cannot be performed by the county child welfare agency conducting or coordinating the CPS Assessment.</p>

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Division of Juvenile Justice facilities.	
<p>To determine the responsible licensing authority:</p> <p>Division of Health Services Regulation https://www2.ncdhhs.gov/dhsr/</p> <p>Division of Social Services http://www.ncdhhs.gov/providers/licensure/facility-licensure/social-services</p> <p>Division of Juvenile Justice http://www.ncdps.gov/juvenile-justice/</p>	<p>Example of a request for assistance includes:</p> <p>interviewing alleged victim children, parents, guardians, caretakers, or other collateral sources. Conducting home visits to assess for safety. This is not an all-inclusive list of activities.</p>
<p>Note: All children living in the home shall be considered alleged victim children, including the biological children of the foster parents. The exception is for reports involving residential childcare facilities and boarding schools.</p>	<p>Note: All requests for assistance to a county child welfare agency shall carry the same sense of responsibility as if the activity is for its own resident children.</p>

2.) Notices

(a.) Notice to the reporter

NCGS §7B-302

(http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-302.html) and Administrative Rule 10A

NCAC 70A .0109 (<http://reports.oah.state.nc.us/ncac/title%2010a%20-%20health%20and%20human%20services/chapter%2070%20-%20children's%20services/subchapter%20a/10a%20ncac%2070a%20.0109.pdf>) instructs the county child welfare agency to provide written notice to the person making the report, as to whether or not the report was accepted or referred to another county child welfare agency for a CPS Assessment within five business days.

Nothing in this section alters the requirements for notices. The resident county child welfare agency is responsible for sending the notice to the reporter. There may be instances where the county child welfare agency accepting responsibility for conducting the CPS Assessment may not be the resident county. Then the county child welfare agency conducting the CPS Assessment would send the notice to the reporter.

In cases where the resident county child welfare agency, upon receipt of a screened out report, reviews its own information and believes that a new

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report is warranted, shall make a self-report and provide a notice to the original reporter.

Please refer to Chapter VII: Protective Services, Section 1407 - Structured Intake, for instructions regarding notices of screened out reports and reports to law enforcement and the District Attorney.

(b.) Reports Not Accepted for CPS Assessments.

Nothing in this section alters any of the requirements established in [Section 1407](#) or [Section 1408](#). The county child welfare agency that screened the report shall send the notice to the reporter.

(c.) [Notice to the District Attorney and local law enforcement agency](#)

NCGS §7B-302, 7B-307, and Administrative Rule 10A N.C.A.C. 70A .0109 (<http://reports.oah.state.nc.us/ncac/title%2010a%20-%20health%20and%20human%20services/chapter%2070%20-%20children's%20services/subchapter%20a/10a%20ncac%2070a%20.0109.pdf>) governs when notices are to be sent to the district attorney or law enforcement.

B. Assignment of CPS Assessments

Every report that meets the criteria outlined in statute ([NCGS §7B-301](#)), and administrative code ([10 A NCAC 70A.0103](#) and [.0105](#)) must be assigned for CPS Assessment. During the [CPS](#) Intake process, the county child welfare agency that accepts the report shall determine county of residence for that child, based on the statutory definitions. If the county of residence is different from the county that accepts the report, the county accepting the report shall refer the report to the county of residence for that county child welfare agency to conduct the CPS Assessment. The response time assigned to an accepted report begins from the moment that the reporter makes contact with the agency even if that county child welfare agency will not be the county conducting the CPS Assessment.

The county child welfare agency conducting the CPS Assessment determines whether the case is assigned as a family assessment or investigative assessment in reports involving neglect (except for certain neglect reports) or dependency.

1.) Assigning CPS Assessments

[NCGS § 153A-257](#) mandates that services shall be assigned according to where the child resides including child protective services.

(a.) The county child welfare agency that receives the report must review the Structured Intake Form ([DSS-1402](#)) that takes into consideration the

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following when determining the county with responsibility to conduct the CPS Assessment:

- (i.) The address that the reporter used.
 - (ii.) The results of the On Line Verification search of services: Work First, Medicaid, Food Stamps, Health Department Services, DMV, Employment Security Commission (ESC), or child support.
 - (iii.) The county where the child attends school or childcare.
 - (iv.) Mail and if there is a physical address or a post office box.
 - (v.) The presence of utility service.
 - (vi.) The address of the parent or caretaker where the child spends the majority of the time or where the child goes to an after school care program.
 - (vii.) Where the child is located at the time of the report.
- (b.) Homeless/DV Shelters are not considered residences unless the individual:
- (i.) States he or she intends to make the county his or her permanent residence,
 - (ii.) Has a job in the county where the shelter is located, or
 - (iii.) Has a child in school or a childcare program in the county where the shelter is located.
- (c.) Other situations to take into consideration when determining the residence of the child.

When custody of the child is jointly held between parents who reside in different counties, and none of the above items determine the county of residence, consider the residence of the mother first, and then the residence of the father in accordance with [NCGS §153A-257](#).

In situations where the residence of the mother or father is known but the child does not reside with either, it is not necessary for the CPS Assessment to be assigned to the resident county of one of the parents. In this instance, the CPS Assessment would be assigned to the county in which the child is found.

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2.) Assigning CPS Assessments involving multiple counties

(a.) Open CPS Assessment

If it is determined that a CPS Assessment is currently active, the county child welfare agency with the open CPS Assessment will be the county assigned to complete the CPS Assessment with requests for assistance from other county child welfare agencies as needed.

(b.) Open CPS In-Home Services

If it is determined that a CPS In Home Services case is open, the county child welfare agency with the open CPS In Home Services case shall be the county responsible for conducting the CPS Assessment of any new reports received, unless there has been a change in the residence of the child as outlined in statute.

The chart below is may be helpful when determining the appropriate county child welfare agency to conduct the CPS Assessment when CPS In-Home Services are being provided.

Location of the Child	Allegations against	Assessment by
Parent	Parent	Parent county of residence
<u>Temporary Safety Provider</u>	<u>Temporary Safety Provider</u>	<u>Temporary Safety Provider</u> county of residence
<u>Temporary Safety Provider</u>	Parent	Parent county of residence
Facility	Facility	County where the facility is located
Facility	Parent	Parent county of residence

When children are in another county as part of a Temporary Parental Safety Agreement or with a Temporary Safety Provider during CPS In-Home Services, the county child welfare agency where the child resides will conduct the CPS Assessment, and the CPS In-Home Services case will be transferred to that county child welfare agency if necessary at the completion of the CPS Assessment. Each county child welfare agency involved shall share information regarding the case.

A Temporary Safety Provider is to be considered a voluntary temporary arrangement and is not legally secure. It should not be considered a change in residence.

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(c.) Multiple Counties of Residence

When it is determined that children who are residents of multiple counties are involved in a CPS report, the following guidelines shall be considered

- (i.) If during CPS Intake, the children are still in the county where the alleged abuse, neglect, and/or dependency occurred, that county child welfare agency is responsible for initiating the CPS Assessment and assessing safety for all of the children. That county child welfare agency will determine the counties of residence for each child and will make referrals to the child welfare agency in each child's county of residence to complete the CPS Assessment for those children.
- (ii.) If during CPS Intake, the children alleged to have been abused, neglected, and/or dependent have returned to their counties of residence from the county where the abuse, neglect, and/or dependency occurred, the resident county child welfare agencies will be notified of the report, and those agencies will be responsible for conducting the CPS Assessments for the children residing in their counties.
- (iii.) When there are multiple county child welfare agencies involved in conducting CPS Assessments for multiple children resulting from a report of abuse, neglect, and/or dependency, it is the responsibility of each county child welfare agency of residence to determine if it will conduct a family assessment or an investigative assessment for the child that is a resident of its county.
- (iv.) Each county child welfare agency will complete its assessment and make its case decision based on that assessment. Each county child welfare agency will submit one DSS-5104 for the child that is the resident of that county.

(d.) Open Child Placement case

If it is determined that the victim child is in the legal custody of a county child welfare agency, refer to page Chapter VIII: Protective Services, Section 1410 – Conflict of Interest for guidance.

(e.) Transfer of information

When multiple county child welfare agencies are involved with multiple children resulting from one CPS report, it is imperative that all of the agencies share information with one another in order for each county child welfare agency to be able to conduct thorough assessments for each child residing in their counties.

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- (i.) The verbal exchange of information between counties shall be IMMEDIATE--not to exceed two hours, and followed by transmittal of the completed DSS-1402, as well as any other written information deemed necessary by the county child welfare agency. If the two-hour time limit extends beyond normal business hours, then the county child welfare agency that screened the report must make arrangements with the after-hours worker in the other county child welfare agency.
- (ii.) It is the responsibility of the county that received the report to ensure that the transfer of information occurs.

Should the transfer of information be delayed due to the inaccessibility of a CPS Intake worker, supervisor, program manager or administrator, then the directors of each county child welfare agency shall be notified by the county sending the information.

The date, time of contact, and the name of the county child welfare worker contacted regarding the transfer of information shall be documented on the DSS-1402.

Refer to the following chart when the assistance of another county is necessary to conduct the CPS Assessment in an out-of-home living arrangement.

Type of Home	Supervised / Licensed by	The County Child Welfare Agency with the Responsibility for Conducting an Out-of-Home CPS Assessment
<p>Family foster home, therapeutic foster home, residential child care facility, or boarding school</p> <p>* None of the county child welfare agency's children are in the home. Children placed voluntarily without the intervention of a <u>county child welfare agency</u> may be in the home.</p>	<p>Licensed by the Division of Social Services or the Division of Health Services Regulation and supervised by a private child placing agency</p>	<ul style="list-style-type: none"> • A parent/caretaker should be assessed by the parent/caretakers' resident county child welfare agency if the allegations are related to when the child was with the parent/caretaker. • A foster parent should be assessed by the foster parent's resident county child welfare agency. • A worker of a facility should be assessed by the county child welfare agency where the facility is located.

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Family foster home, therapeutic foster home, residential childcare facility, or boarding school with children in the custody of the county child welfare agency in the home.	Any agency	County child welfare agency where the report arose with the assistance of another county child welfare agency, if necessary. If the allegations are regarding: <ul style="list-style-type: none"> • A parent/caretaker, those reports should be assessed by the parent/caretakers' resident county child welfare agency. • A worker of a facility should be assessed by the county child welfare agency where the facility is located, unless the victim child is in the custody of that county child welfare agency.
Family foster home, therapeutic foster home, or residential child care facility	Licensed by the Division of Social Services or the Division of Health Services Regulation and supervised by the county <u>child welfare agency</u>	County child welfare agency where the report arose with the assistance of another county child welfare agency. Allegations regarding: <ul style="list-style-type: none"> • A parent/caretaker should be assessed by the parent/caretakers' resident county child welfare agency. • All others must be assessed as a conflict of interest.

When a CPS Assessment is conducted that involves children who are in the custody of a county child welfare agency other than the county in which the home is located, the county with custody of the child shall be notified that a CPS Assessment is being conducted. Information shall be shared between the county agencies, including the case decision.

Regardless of which county child welfare agency is responsible for conducting the CPS Assessment in an out-of-home living arrangement, it is the responsibility of the county child welfare agency where the child is found at the time of the report to initiate the CPS Assessment and to assess the safety of the child.

Initiation and completion of an assessment on an out-of-home placement

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provider shall be in accordance with timeframes established for the completion of Investigative Assessments.

5.) Requests for assistance from one county to another

The request for assistance has the same priority as if the activity were for the resident county child welfare agency. Responding to a request for assistance is not optional and must be completed within timeframes established.

(a.) A thorough CPS Assessment is required for every CPS report accepted for assessment. All of the activities required for a thorough CPS Assessment must be completed or there shall be documentation to justify why a particular activity could not be done as required. See [Section 1408](#), Investigative and Family Assessments, for complete details. If the county child welfare agency conducting the CPS Assessment needs assistance from another county child welfare agency to perform a required activity, that county child welfare will make the request of the appropriate county child welfare agency.

(b.) Requests for assistance may include:

- (i.) A visit to the home where the alleged abuse, neglect, and/or dependency occurred,
- (ii.) A face-to-face interview with the alleged perpetrator,
- (iii.) A face-to-face interview with other parents or caretakers,
- (iv.) Contacts with other adults living in the home,
- (v.) A face-to-face interview with other children who were in the home at the time that the alleged abuse, neglect, and/or dependency occurred,
- (vi.) Contacts with collaterals,
- (vii.) Assessment of a safety provider,
- (viii.) Any other activities that will provide information to complete a thorough CPS Assessment so that a sound case decision can be made, and/or
- (ix.) When it is determined that assistance is required from another county child welfare agency to conduct any part of a CPS Assessment, the county child welfare agency conducting the CPS Assessment shall document its request for assistance and maintain a log of such requests. This log will be available for the CPR to review at regular intervals.

(c.) The request for assistance may or may not be from the resident county child welfare agency.

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The county child welfare agency receiving the request for assistance does not have the option of refusing to perform the requested activity.

(d.) The request for assistance shall:

- (i.) Be verbal with acknowledgment by the assisting county child welfare agency of the receipt of the request,
- (ii.) Include sharing of the completed and legible [DSS-1402](#), Central Registry check, and any other pertinent information gathered during the [CPS](#) Intake process to the assisting county child welfare by fax or secure email, and
- (iii.) Include sharing of the completed and legible documentation of pertinent information gathered during the CPS Assessment process to the assisting county child welfare agency by fax.

C. Conducting an assessment with multiple counties involved

1.) Responsibilities of the county child welfare agency conducting the CPS Assessment

It is the responsibility of the county child welfare agency where the child is found at the time of the CPS report to initiate the CPS Assessment and to assess and ensure the child's safety, regardless of what county child welfare agency is ultimately responsible for conducting the CPS Assessment.

- (a.) If the child moves following the initiation of the [CPS](#) Assessment, the county conducting the CPS Assessment will not change until the completion of the CPS Assessment.

The exception is if the move of the child is planned, then the CPS Assessment may be transferred to the new county of residence if it is in the best interest of the child. However, if there is sufficient information available to make a case decision, it should be made prior to the transfer occurring. It is at the discretion of the county child welfare agency that initiated the [CPS](#) Assessment to make the decision [if](#) there is sufficient information to make the case decision or the need to transfer to the other county child welfare agency.

The new county of residence for the child shall be contacted to assist with the completion of the CPS Assessment. The new county child welfare agency of residence shall be included in the discussion of the case decision and the need for any ongoing services that they will be responsible for providing if [the case decision is to](#) substantiate or [find](#) services [needed](#).

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- (b.) In most cases, the county child welfare agency responsible for conducting the CPS Assessment is the child's county of residence as defined by statute. In some out-of-home placement cases, the county child welfare agency responsible for conducting the CPS Assessment will not be the child's resident county. The county child welfare agency conducting the CPS Assessment accepts full responsibility for the completion of a thorough CPS Assessment and for ensuring that all of the components of a thorough assessment occur.

When requested to conduct a CPS Assessment for another county, the county child welfare agency responsible for conducting the CPS Assessment must begin within mandated timeframes.

It remains the responsibility of the county of residence to ensure that the CPS Assessment is initiated and to ensure the safety of the child.

- (c.) In some instances, the county child welfare agency conducting the CPS Assessment may need to ensure that a required activity is done in another county that is nearby. Instead of asking the other county child welfare agency to perform the activity, the county child welfare worker may cross county lines to perform the required activity if time and required driving distance permit. Permission should be obtained first.
- (d.) The county child welfare agency conducting the CPS Assessment is responsible for requesting assistance from any county where a significant party to the assessment is found during the course of the assessment.
- (e.) The county child welfare agency conducting the CPS Assessment is responsible for ensuring that all required and appropriate activities to complete a thorough CPS Assessment are completed and occur within the timeframes established in law [NCGS §7B-302](#) and rule, [10A NCAC 70A .0105, .0106, .0107, .0108, .0109, .0110, .0112, .0114.](#)
- (f.) The county child welfare agency conducting the CPS Assessment is responsible for ensuring the completion of all Structured Decision Making tools with information provided from other counties as appropriate.
- (g.) The county child welfare agency responsible for conducting the CPS Assessment is responsible for making the case decision. Once the case decision is made by the county child welfare agency who conducted the CPS Assessment, other county child welfare agencies must abide by that decision.

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- (h.) When one county child welfare agency conducts a CPS Assessment for another county child welfare agency, it is the responsibility of the resident county child welfare agency to assist the county child welfare agency conducting the assessment in making arrangements to explain the case decision.
- (i.) In family-centered practice, it is highly recommended that the CPS In-Home Services worker in the county where the ongoing services will occur, accompany the worker who conducted the CPS Assessment in a face-to-face contact with the family to explain the case decision to substantiate or find the services needed. This provides an opportunity to explain the Responsible Individuals List ([Section 1427](#)), if applicable, and to begin the transition from the CPS Assessment phase to the CPS In-Home Services phase.
- (j.) The county child welfare agency conducting the CPS Assessment is responsible for completing all required notices associated with the assessment.
- (k.) The county child welfare agency conducting the CPS Assessment is responsible for ensuring all documentation is received and placed in the case record. In cases where one county child welfare agency is conducting the CPS Assessment for another county, the conducting county child welfare agency is responsible for ensuring that all documentation is provided to the county child welfare agency for whom it conducted the assessment within seven business days.

2.) Responsibilities for the resident county child welfare agency

- (a.) When a resident county child welfare agency needs another county child welfare agency to conduct CPS Assessment, the resident county child welfare agency is responsible for contacting the other county child welfare agency directly. Direct contact by telephone is preferable. The resident county child welfare agency is responsible for ensuring that the CPS Assessment is initiated within the required timeframes to assess safety of the child([ren](#)) and to develop a safety [agreement](#) with the parents/caretakers, if needed prior to the other county beginning the ongoing assessment.
- (b.) It is the responsibility of the resident county child welfare agency to respond and cooperate in every way possible, providing all necessary assistance as may be requested by the county child welfare agency conducting the CPS Assessment.

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- (c.) It is the responsibility of the resident county child welfare agency to make available the [Structured Intake Form](#), case record, Central Registry report, and other pertinent information. It may be asked to conduct local criminal records checks and make any necessary appointments with individuals pertinent to the assessment within the community.
- (d.) It is also the responsibility of the resident county child welfare agency to coordinate with the other county child welfare agency to discuss the information learned during the CPS Assessment prior to the county child welfare agency conducting the assessment making the case decision. While the county child welfare agency conducting the CPS Assessment has the sole responsibility for making the case decision, both counties will discuss the finding before the case decision is made.
- (e.) The resident county child welfare agency is responsible for completing and sending all required notices. This includes delivering personal notice to the perpetrator in substantiated cases when his or her name will be included on the Responsible Individuals List (RIL). See [Section 1427](#) for the procedures in providing this notice.

If multiple attempts to deliver the notice are unsuccessful or if distance is an issue, it is permissible for the county child welfare agency conducting the CPS Assessment to request the resident county child welfare agency to deliver the notice. All required timeframes must be met as outlined in statute and in [Section 1427](#).
- (f.) The resident county child welfare agency is responsible for ensuring all documentation is received from the county child welfare agency that conducted the CPS Assessment and placed in the case record.

3.) Requests for assistance in a CPS Assessment

A county child welfare agency will respond to requests for assistance in the following manner:

- (a.) If related to initiation, the response will occur within the timeframe established in law [NCGS §7B-302](#) and rule [10A NCAC 70A .0105](#), but no later than 72 hours.

Permission should be granted for the conducting county child welfare agency worker to cross county lines if necessary. If permission is not granted the conducting county child welfare agency acknowledges responsibility, but not liability, for the activity requested.

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- (b.) If related to an assessment of a Temporary Safety Provider, the response shall be immediate, or permission granted for the conducting county child welfare agency worker to enter the county. The Initial Provider Assessment shall be completed prior to the child staying with the Temporary Safety Provider. The form to be used for Temporary Safety Provider assessments is the Initial Provider Assessment (DSS-5203).

If the conducting county child welfare agency fails to notify the safety provider's county of residence, then the conducting county child welfare agency assumes all responsibility for the Temporary Safety Provider if approved and the child is with that safety provider.

- (i.) If the initial provider assessment is completed by the conducting county child welfare agency, the Initial Provider Assessment shall be provided to the Temporary Safety Provider's county of residence. Included shall be a request for the Temporary Safety Provider's county child welfare agency to monitor the Temporary Safety Provider.
- (ii.) The completed Initial Provider Assessment that is conducted by the Temporary Safety Provider's county child welfare agency shall be provided to the requesting county prior to the child moving into the safety provider's home. The decision of the temporary safety provider's county child welfare agency to approve or not approve the Temporary Safety Provider shall be final. A request for the Temporary Safety Provider to be monitored shall be made by the county conducting the CPS Assessment or CPS In-Home Services.
- (c.) Comprehensive kinship assessments are not required during CPS Assessments (only during CPS In-Home Services and Child Placement Services).
- (d.) If related to a collateral contact, a response shall be no later than five business days, unless otherwise requested by the coordinating county child welfare agency.
- (e.) Complete Structured Decision Making process and tools as requested.
- (f.) Supply documentation to the county child welfare agency requesting assistance no later than seven business days after the completion of the requested activity, unless otherwise requested.
- (g.) Any request for an activity that promotes the safety of the child will be honored.

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4.) Initiation / response timeframes

In all cases, it is the responsibility of the county child welfare agency where the child is found to initiate the CPS Assessment within the statutory time frames ([NCGS §7B-302](#)) and ([10A NCAC 70A .0105](#)), regardless of what county is identified as the agency that will conduct the CPS Assessment

5.) Required activities in special CPS Assessments

Nothing in this section alters any of the required activities to complete an assessment (refer to [Section 1408](#).)

CPS Assessments of an Out-of-Home Placement

When the CPS Assessment is related to an out-of-home placement provider, there are additional required activities.

- (i.) The agency responsible for supervising the home shall be notified verbally within two hours that a report was received and accepted for a CPS Assessment.

For facilities licensed by Division of Health Services Regulation (DHSR), verbal notification shall be to the intake/complaint unit at 1- 800-624-3004. Should this occur after-hours, it is permissible to leave a message.

A written report shall follow the verbal notification within five business days of receiving the CPS report. Please refer to the [DSS-5282](#).

Note: When notifying the agency responsible for supervising the placement, refer the agency to its internal protocol for responding to allegations of child abuse and/or neglect.

- (ii.) Depending on the nature of the report, and if appropriate, it is permissible for the agency responsible for supervising the placement provider or licensing staff to notify the provider that a report has been received. When notifying the agency that a report has been received, it will be important to advise the agency on what to expect during the CPS Assessment.
- (iii.) Identifying information regarding the alleged victim child shall not be included in any written documents found in the placement provider's record.
- (iv.) All children living in the home are considered victim children. All children named as victims that are no longer living in the home are still required to be seen.

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- (v.) A visit to the home where the alleged incident occurred is required.
- (vi.) All required activities must be completed even if the child **(ren)** has been removed from the home.
- (vii.) Unless parental rights have been terminated, biological parents shall be informed that a CPS Assessment has been conducted and the results of the assessment.
- (viii.) A discussion of the case decision with the placement provider and the supervising/licensing agency is required.
- (ix.) Contact with the assigned Children's Programs Representative (CPR), by the county child welfare agency conducting the CPS Assessment shall occur after all involved county child welfare agencies have discussed the findings and the case decision is ready to be made. This should occur prior to reporting a case decision to the Division on the [DSS-5104](#). The **county child welfare** workers, **county child welfare** supervisors, and/or program managers should be involved in the discussion of the findings with the CPR. If more than one CPR is involved, each county child welfare agency should notify its own CPR and all should be part of the same discussion at the same time, whether in a face to face meeting or by conference call. The CPR's role shall be to provide guidance that ensures the CPS Assessment is thorough, and that counties are clear about the differences between licensing issues and true CPS issues.
- (x.) The foster parent's license may or may not be revoked when a substantiation occurs.
- (xi.) The placement provider's record should contain documentation of the occurrence of a CPS Assessment and the results of the assessment, including any recommendations by the county child welfare agency conducting the assessment. Identifying information regarding all alleged victim children shall be removed from all documents to be included in the placement provider's record.

Note: It is permissible for the county director to share information and a summary of documentation from the case record without a court order with public or private agencies or individuals that are being utilized to provide or facilitate the provisions of protective services to a child.

- (xii.) When the allegations are within a DHHS facility (that provides 24- hour care), all volunteers and employees of the facility are automatically considered caretakers under [NCGS § 7B-101\(3\)](#).
- (xiii.) Notification to the licensing authority of an accepted report and notification of the case decision are also required.

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If licensed by the Division of Social Services, utilize the [DSS-5282](#). To determine if the DSS is the licensing authority **refer** to <http://www.ncdhhs.gov/dss/licensing/listings.htm>

All notices shall be sent to:

Regulatory and Licensing Services
North Carolina Division of Social Services 952 Old
US Highway 70,
Black Mountain, North Carolina 28711 (828)
669-3388
(828) 669-3365 fax

If licensed by the Division of Health Services Regulation, utilize the [DSS-5282](#). To determine if DHSR is the licensing authority **refer** to <https://www2.ncdhhs.gov/DHSR/reports.htm>

All notices shall be sent to:

Division of Health Services Regulation
Complaint Intake Unit
2711 Mail Service Center
Raleigh, North Carolina 27699-2711 1-
800-624-3004
(919) 715-7724 fax

These reports should only contain the required information. Do NOT reveal the name of the reporter in any notice. However, sufficient information should be provided so that victim children do not need to be re-interviewed.

6.) Placement during the CPS Assessment

If **it** becomes necessary during the CPS Assessment **to place the child(ren) out of the family home**, all required activities shall be completed to comply with law [NCGS §7B-302 \(c\), \(d\), \(d1\)](#) and rule [10A NCAC 70A .0110](#).

- (a.) **Temporary** Safety **Providers** shall be considered when acute situations arise and should only be considered on a short-term basis.
 - (i.) **If the parent identified Temporary Safety Provider resides in another county, refer to the previous Section III. Assessments, C. Conducting an assessment with multiple counties involved, 3.) Requests for assistance in a CPS Assessment.**
 - (ii.) If the conditions that necessitated the plan of the child **staying** with a **Temporary** Safety **Provider** are not remedied **during the CPS**

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Assessment, the county child welfare agency that has the open CPS case shall reassess the child's safety. Assistance from the county child welfare agency where the Temporary Safety Provider is located may be needed if he or she resides in a different county.

- (b.) The county where the child resides is the county child welfare agency responsible for filing a petition requesting nonsecure custody when that becomes necessary. Usually, this is the county child welfare agency that is conducting the CPS Assessment. If the county child welfare agency conducting the CPS Assessment is not the resident county, the county child welfare agency where the child resides is responsible for filing the petition, unless the case has been identified as a conflict of interest for the resident county child welfare agency. Information from the county child welfare agency conducting the CPS Assessment will be provided to the resident county child welfare.

It is important to remember that any North Carolina district court can have jurisdiction over a person, regardless of where in the state he or she resides, if the person is served a summons and notice of the hearing.

NCGS 7B-903 (c) states: "In the case of any juvenile who needs more adequate care or supervision or who needs placement, the court may: Place the juvenile in the custody of the department of social services in the county of the juvenile's residence, or in the case of a juvenile who has legal residence outside the State, in the physical custody of the department of social services in the county where the juvenile is found so that agency may return the juvenile to the responsible authorities in the juvenile's home state."

- (c.) When multiple counties are involved, a discussion shall take place as to the roles and services needed from each county child welfare agency. Consider:

- (i.) What is the permanent plan for the child?
- (ii.) Who is identified as the child's planned permanent family?
- (iii.) Who has the most information/relationship with the child?

- (d.) The Inter-County Agreement (DSS- 1797) shall be completed when the county where the child is placed and the county child welfare agency that made the arrangement are not the same. This also applies to Temporary Safety Providers.

- (e.) Prior to the transfer of custody or a change of venue, a hearing shall be held giving each county the right to appear and plead their position. North Carolina Rules of Civil Procedure 13(h)
(<http://www.ncga.state.nc.us/enactedlegislation/statutes/html/bychapter/ch>

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[apter 1a.html](#)) states, "Additional parties may be brought in. When presence of parties other than those to the original action is required for granting of complete relief in the determination of a counterclaim or cross-claim, the court shall order them to be brought in as defendants as provided in these rules, if jurisdiction of them can be obtained."

North Carolina Rule of Civil Procedure 19(b)
(http://www.ncga.state.nc.us/enactedlegislation/statutes/html/bychapter/chapter_1a.html) states, "The court may determine any claim before it when it can do so without prejudice to the rights of any party or to the rights of others not before the court; but when a complete determination of such claim cannot be made without the presence of other parties, the court shall order such other parties summoned to appear in the action."

Should a county elect not to be present at the change of venue hearing, all rights to argue against the transfer are forfeited.

(f.) The county with venue shall notify all involved counties of any changes in venue.

(g.) The case record shall be shared in its entirety when a case is transferred from one county child welfare agency to another within seven business days.

IV. CPS IN-HOME SERVICES (215 SERVICES)

A. CPS In-Home Services Policies Regardless of whether One or More County Child Welfare Agencies are Involved

- 1.) Nothing in this section alters the requirements for the delivery of CPS In-Home Services. Please see [Section 1412](#) for a full discussion of CPS In-Home Services policies. The following policies are required, and if fulfilling these policies involves more than one county child welfare agency, it is the responsibility of the involved county child welfare agencies to work together to identify which county child welfare agency will conduct the activities.
- 2.) When ongoing CPS In-Home Services are indicated following substantiation or a finding of services needed, the county child welfare agency that will be providing ongoing CPS In-Home Services with the family will assume responsibility for the case. Generally, the county where the child resides is the county that will be responsible for the CPS In-Home Services. Plans involving a child staying with a Temporary Safety Provider during the CPS Assessment do not equate to a change in residence for the child(ren). The CPS In-Home Services case should remain with the county where the parent resides in this instance. The involved county child welfare agencies should coordinate the provision of services to the

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parent and the child(ren). It will be important to determine whether other county child welfare agencies continue to remain involved with the family or need to become involved with the family. Case closure should not be considered until the child(ren) is able to return home. Otherwise, consideration should be given to obtaining nonsecure custody to establish legal permanence.

- 3.) A family shall be seen by a county child welfare worker within one week after substantiation of abuse, neglect, and/or dependency or a finding of services needed to begin the transition from the CPS Assessment phase to CPS In-Home Services, unless there is documentation of diligent efforts made and/or rationale for the delay. It is imperative that the decision regarding what county child welfare agency will be responsible for providing the ongoing CPS In-Home Services is made timely in order to meet this timeframe.
- 4.) For cases where the risk rating is high based on the Family Risk Assessment, weekly face-to-face contact shall be maintained with the family. At a minimum, all children substantiated as abused, neglected, and/or dependent, or identified as services needed and their parents shall be seen face-to-face two times per month. All other children (unsubstantiated, found services recommended, or services not recommended) residing in the home shall be seen face-to-face once per month. The county child welfare worker shall be required to have face-to-face contact with as many significant family members as necessary to ensure the child(ren)'s safety.

Two collateral contacts per month with service providers significant to the case--mental health therapist, case manager, school, childcare, Work First, or other professionals working with the family are some examples. These contacts may be made at the Child and Family Team (CFT) Meeting if the child(ren)'s safety can be ensured in the process. Documentation should include the identity of the person the county child welfare worker talked with, when the conversation took place, and what observations have been made of the family's progress or barriers toward case goals.

- 5.) For moderate risk cases, all children substantiated as abused, neglected, or dependent, or identified as services needed and their parents or primary caretakers shall be seen face-to-face twice per month. During visits with family members, risk and safety issues should be addressed and progress should be discussed. The family's well-being needs should also be discussed during these visits, as well as the strengths and needs. Documentation of the visits should include who was seen, where, when, and progress toward meeting the goals of the case plan.

Two collateral contacts per month with someone significant to the case--mental health therapist, case manager, school, child care, family members, Work First or other professionals working with the family. Documentation should include whom

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the county child welfare worker talked with, when, and what observations have been made of the family's progress or barriers toward case goals.

- 6.) Any allegation and/or incident that meet the legal definitions of child abuse, neglect, and/or dependency received at any time during the course of an open CPS In-Home Services case shall be documented as a new report and the agency shall conduct a prompt and thorough CPS Assessment. At the conclusion of the CPS Assessment, all of the information gathered during the fact-finding process shall be incorporated into one case decision and one DSS-5104. All required Structured Decision Making Tools shall be completed. All individuals making reports shall receive the required notices.

B. CPS In-Home Services When There are No Other Counties Involved

- 1.) Requesting assistance from another county

Whenever it becomes necessary to involve another county child welfare agency to facilitate the delivery of services or to make contact with collaterals, the request shall be in writing. The request shall be specific and include sufficient information necessary to complete the request.

- 2.) When a new report is received

Should a new report be received during the provision of CPS In-Home Services, the county child welfare agency where the child resides and that has services already open shall conduct the CPS Assessment.

- 3.) When a family moves

When a family moves during the provision of CPS In-Home Services to another county, the county child welfare agency with the open CPS In-Home Services case will attempt to determine to what county the family has moved. Once there has been another county identified, the county child welfare agency with the open case will contact the county child welfare agency where the family is believed to have relocated. They will request the other county child welfare agency to verify that the family has relocated in that county. The Diligent Efforts form in section 1408 is to be used to document the verification activities.

Verification shall include but is not be limited to:

- (a.) a visit to the new home,
- (b.) proof of utilities,
- (c.) school enrollment, or
- (d.) the application for services.

Upon verification that the family has moved, plans should be discussed between the two county child welfare agencies involved about transferring the CPS In-

Home Services case. It is never appropriate to transfer a case from one county child welfare agency to another without this discussion--either face- to-face or by conference call. Simply faxing information to the other county child welfare agency is not sufficient. County child welfare workers, supervisors and/or program managers from both county child welfare agencies should be involved together in this discussion.

C. Providing CPS In-Home Services When Multiple Counties are Involved

- 1.) When it is necessary to open a CPS In-Home Services case and multiple county child welfare agencies are already involved, a decision shall be made collaboratively as to which county child welfare agency should be responsible for providing the CPS In-Home Services. In most cases, the county where the child resides is the county child welfare agency that is responsible for providing CPS In-Home Services. This discussion should involve all county child welfare workers, supervisors and/or program managers--either face-to-face or by conference call. The discussion should also identify the ongoing roles of the county child welfare agencies involved in assisting the county child welfare agency providing the CPS In-Home Services.

Factors to consider in defining the services needed from the different county child welfare agencies include:

- (a.) The home where the safety issues to be resolved is located,
 - (b.) Where and to whom the child is going to be returned, if the child is with a Temporary Safety Provider,
 - (c.) Where the child is located and how long the child is anticipated to remain, and
 - (d.) The best interest of the child and family.
- 2.) During the provision of CPS In-Home Services, the responsible county child welfare agency will collaborate with the other county child welfare agencies involved in the case to determine which county child welfare agency will make the necessary contacts and assessments based on the needs of the case. The county child welfare agency providing these contacts and assessments will provide written documentation, to the county child welfare agency responsible for providing the CPS In-Home Services.
- 3.) When a new CPS report is received during the provision of CPS In-Home Services, the county child welfare agency that is providing the CPS In-Home Services will conduct the CPS Assessment and will collaborate with any other county child welfare agencies involved in accordance with the principles outlined in this section.

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The chart below is may be helpful when determining the appropriate county to conduct the CPS Assessment when CPS In-Home Services are being provided.

Location of the Child	Allegations against:	Assessment by:
Parent	Parent	Parent's county of residence
<u>Temporary Safety Provider</u>	<u>Temporary Safety Provider</u>	<u>Temporary Safety Provider's</u> county of residence
<u>Temporary Safety Provider</u>	Parent	Parent's county of residence
Facility	Facility	<u>County where the facility is located</u>
Facility	Parent	Parent's county of residence

- 4.) If an out of home placement becomes necessary during the provision of CPS In-Home Services, all required activities shall be completed to comply with law N.C.G.S. §7B-302 and rule 10A N.C.A.C. 70A .0110.
- (a.) Placement of a child out of the home with a Temporary Safety Provider during CPS In-Home Services shall be conducted in accordance with Section 1412 of the Protective Services Manual and Section 1201 of the Placement Manual.
- (i.) Placements with relatives and fictive kin shall be legally secure prior to case closure if there is any question that the child would be unsafe if the parent were to take the child out of the relative's home.
- (ii.) If the conditions that necessitated the placement of the child with a Temporary Safety Provider are not remedied within 90 days of the arrangement, the county child welfare agency that has the open CPS In-Home Services case shall reassess the child(ren)'s need for permanence. A request for assistance from the county child welfare agency where the Temporary Safety Provider is located may be needed if the Temporary Safety Provider resides in a different county.
- (b.) The county child welfare agency where the child(ren) resides shall be responsible for filing the petition for nonsecure custody, unless the case has been identified as a conflict of interest case. In most cases, that county is providing the CPS In-Home Services.

NCGS 7B-903 (c) states: "In the case of any juvenile who needs more adequate care or supervision or who needs placement, the court may:

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Place the juvenile in the custody of the department of social services in the county of the juvenile's residence, or in the case of a juvenile who has legal residence outside the State, in the physical custody of the department of social services in the county where the juvenile is found so that agency may return the juvenile to the responsible authorities in the juvenile's home state."

- (c.) When multiple county child welfare agencies are involved, a discussion shall take place as to the roles and services needed from each county child welfare agency. Consider:
 - (i.) What is the permanent plan for the child?
 - (ii.) Who is identified as the child's planned permanent family?
 - (iii.) Who has information regarding the child and family?
- (d.) The inter-county agreement ([DSS- 1797](#)) shall be completed when the county where the child is placed, and the county child welfare agency that made the placement are not the same.
- (e.) Prior to the transfer of custody or a change of venue, a hearing shall be held giving each involved county the right to appear and plead their position. Should a county child welfare agency elect not to be present at the change of venue hearing, all rights to argue against the transfer are forfeited.

North Carolina Rules of Civil Procedure 13(b)
(http://www.ncga.state.nc.us/enactedlegislation/statutes/html/bychapter/chapter_1a.html) states "Additional parties may be brought in. – When the presence of parties other than those to the original action is required for the granting of complete relief in the determination of a counterclaim or cross-claim, the court shall order them to be brought in as defendants as provided in these rules, if jurisdiction of them can be obtained."

North Carolina Rules of Civil Procedure 19(b)
(http://www.ncga.state.nc.us/enactedlegislation/statutes/html/bychapter/chapter_1a.html) states "The court may determine any claim before it when it can do so without prejudice to the rights of any party or to the rights of others not before the court; but when a complete determination of such claim cannot be made without the presence of other parties, the court shall order such other parties summoned to appear in the action."

- (f.) All involved county child welfare agencies shall be notified of any changes in venue.

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(g.) The case record shall be shared in its entirety when a case is transferred from one county child welfare agency to another within seven business days.

V. WHEN COUNTY DEPARTMENTS DISAGREE

A. Process for Resolving Disagreements in CPS Cases When Multiple Counties are Involved

- 1.) Should a disagreement occur among staff when more than one county child welfare agencies are involved regarding any or all parts of a child welfare case, the staff involved with the case and their respective supervisors should attempt to resolve the issues and come to a consensus with a focus on family-centered practice.
- 2.) If the staff from the county child welfare agencies involved and the respective supervisors cannot reach a consensus, the program managers/administrators from each county child welfare should confer, attempt to resolve the issues, and come to a consensus with a focus on family-centered practice.
- 3.) If the issues cannot be resolved at the program manager/administrator level, the directors of the involved child welfare agencies will be notified of the issues and the fact that the issues cannot be resolved by their staff and management. The directors will confer, attempt to resolve the issues, and come to a consensus with a focus on family-centered practice.

B. Consultation with the Division of Social Services

In the event that the county child welfare agencies involved cannot resolve the issues and come to a consensus at the directors' level, the appropriate Children's Programs Representative (CPR) will be contacted. If multiple CPRs are assigned to the different counties involved in the situation, each county's CPR should be included in the discussion. The Local Support Team Manager may also be contacted as a means of resolving the disagreement between the county child welfare agencies. In the event that the CPR or Local Support Team Manager is unavailable, contact the Division's CPS Policy Team at (919) 527-6340.

NCGS § 153A-257(d) provides the Division of Social Services with the authority to make a decision when disagreements occur and the decision of the Division shall be final.

NOTE: At no time shall a CPS Assessment be allowed to go un-assessed due to a disagreement between county child welfare agencies. Although nothing should prevent a county child welfare worker from crossing into another county to conduct

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a CPS Assessment activity if necessary, a request from the other county should be made first.

VI. CHILD PLACEMENT SERVICES

A. Child Placement Policies Regardless of Whether One or More County Child Welfare Agencies Are Involved

- 1.) Nothing in this section alters the requirements for the delivery of services when a county has placement responsibility of a child. Please refer to [Chapter IV: 1201 Child Placement Services](#) for a full discussion of the relevant policies. The following policies are required, and if fulfilling these policies involves more than one county child welfare agency, it is the responsibility of the involved county child welfare agencies to work together to identify which county child welfare agency will conduct the activities.
- 2.) When removal from the home is required, the county child welfare agency shall assess whether any relatives are willing and able to care for the child(ren). The county child welfare agency shall evaluate if such placement would be in the child(ren)'s best interest.
- 3.) When temporary custody (12-hour hold) is initiated, the county child welfare agency shall document compliance with the following requirements:
 - (a.) That the child(ren) would have been endangered if the [county child welfare](#) worker first had to obtain a court order,
 - (b.) That the child(ren) was returned to the parents or persons from whom the child(ren) was removed unless a petition or motion for review was filed and an order for secure or nonsecure custody was obtained, and
 - (c.) That the parents were notified that they could be with the child(ren) while the court determined the need for secure or nonsecure custody.
- 4.) Any juvenile petition initiated by a county child welfare agency, by which a child comes into agency custody or placement responsibility, shall allege all of the conditions that would invoke jurisdiction.
- 5.) Upon filing a juvenile petition, a nonsecure order should only be requested when a child is at imminent risk. A hearing shall be held within seven days when a child is removed from home by a nonsecure order and may be postponed for no more than 10 business days with the parent's consent.
- 6.) The nonsecure order shall give specific sanction for a placement other than a licensed placement provider.

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- 7.) When the initial placement is with relatives or other non-licensed persons, documentation shall show that the agency assessed the placement provider before making the placement. If continuing placement is recommended or planned with a non-licensed relative or other non-licensed person, the county child welfare agency shall conduct a thorough assessment of the placement provider. This assessment shall be documented on the Initial Provider Assessment form.
- 8.) The county child welfare agency shall arrange for and maintain a single, stable living arrangement for each child based on the needs and attachments of the child. This placement shall be within the child's own community. A child will be moved only when it is in his or her best interests and there are clear indicators documented to support the necessity of the move. Documentation shall reflect diligent efforts made to maintain a single placement in the child's community or reasons why this is not possible.
- 9.) Siblings shall be placed together whenever possible, unless contrary to the child(ren)'s developmental, treatment, or safety needs.

B. Providing Services When There are No Other Counties Involved

- 1.) When a new CPS report is received

Any allegation and/or incident that meets the legal definitions of child abuse, neglect, and/or dependency received at any time during the course of Child Placement Services shall be documented as a new report. At the conclusion of the CPS Assessment, all of the information gathered during the fact-finding process shall be incorporated into one case decision and one DSS-5104. All required Structured Decision-Making tools shall be completed. All individuals making reports shall receive the required notices.

- 2.) When the parents move to another county

When the parents move to another county and the transfer of the case is being considered, take into consideration the following:

- (a.) When the permanent plan for the child is reunification, with whom is the child being reunified and where does he or she reside?
- (b.) When reunification with the parent is no longer the goal or does not appear likely.
- (c.) The transfer of court cases is discussed in VII (Venue) of this Section.
- (d.) Whenever the county child welfare agency who has placement responsibility for the child(ren) needs assistance from another county child welfare agency to make contacts, provide supervision, or conduct an assessment, the staff and their respective supervisors will discuss the

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case either face-to-face or by conference call and jointly determine the activities, timeframes, documentation required, and communication expectations.

- 3.) When a child who is in the custody of a county child welfare agency is placed with unlicensed relatives or fictive kin and the relatives or fictive kin move to another county
 - (a.) Once notified that the placement provider will be moving to another county, the county child welfare agency with custody and placement responsibility shall immediately contact the child welfare agency in the county where the relatives or fictive kin will be relocating. The county child welfare agency with custody and placement authority shall request an updated provider assessment.
 - (b.) The new county child welfare agency shall complete a new provider assessment within five business days.
 - (c.) A new DSS-1797 shall be completed and returned to the county child welfare agency with custody and placement responsibility.

C. Providing Services When Multiple Counties are Involved

- 1.) Placement of a child out of county
 - (a.) Although it is policy and best practice to place a child within his or her own county and his or her own community, it is sometimes necessary to place the child with an unlicensed relative or other court-approved placement provider. When a child is placed out of the county with a relative or other court-approved placement provider:
 - (i.) Prior notice to the other county child welfare agency of the impending placement is required. A child shall not be placed in another county without prior notification to that county child welfare agency.
 - (ii.) In cases that the county with legal custody of the child desires to place the child (ren) in a kinship placement in another county at the time of removal, the county child welfare agency with legal custody of the child shall make a request to the county child welfare agency where the potential kinship care provider resides for an Initial Provider Assessment and criminal history check of the potential safety providers. This shall be completed prior to the placement of the child. The county child welfare agency conducting the provider assessment shall complete the Initial Provider Assessment and criminal history check within one business day. If the Initial Provider Assessment or criminal history check documents safety concerns about the proposed provider,

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placement of the child shall not occur.

- (iii.) If the results of the Initial Provider Assessment and criminal record check are favorable, the county child welfare agency with legal custody of the child(ren) has responsibility for quarterly face-to-face contacts with the child and placement provider. The county child welfare agency where the kinship care placement is located will follow up with the comprehensive kinship care assessment, will provide any required contacts, and will provide documentation of contacts to the placing county child welfare agency on a monthly basis.
- (iv.) The county child welfare agency that has legal custody of the child(ren) shall send all pertinent documentation regarding the child to the county child welfare agency where the placement provider resides within five business days. Documentation shall include case narrative, copies of the juvenile petition, nonsecure custody court order, Structured Decision-Making tools, and the Family Services Agreement.
- (v.) If the court in the county assuming custody of the child(ren) orders immediate placement with a relative or fictive kin in the other county upon issuance of the nonsecure custody court order, the county child welfare agency obtaining custody of the child shall immediately notify the county child welfare agency where the placement provider resides.
- (vi.) Whenever possible, there should be careful planning for placement of a child with a relative or fictive kin. It may be that the child is already in a placement with a relative or fictive kin who may be a potential placement provider and resides in another county. When there is more time for assessment, the county child welfare agency with legal custody should request a Provider Assessment (both initial and comprehensive) and any Home study that is requested by its court. These assessments must be completed prior to placement of the child.
- (vii.) The Inter-County Agreement, DSS-1797, shall be completed at the time of placement. The DSS-1797 assists county child welfare agencies with the determination of responsibilities while the child(ren) is in that placement. The agreement should also indicate the timeframes for the sharing of documentation. The DSS-1797 shall also describe what should happen should the placement disrupt. If the DSS-1797 is not completed and signed, the placement of the child shall not occur.

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- (viii.) If a placement with relative or fictive kin disrupts, the county child welfare agency that has legal custody of the child(ren) is responsible for making other placement arrangements for the child(ren).
- (b.) There are times when the best placement for a child in the custody and placement authority of a county child welfare agency is a licensed family foster home, therapeutic family foster home, group home, or institution located in another county. The Inter-County Agreement, [DSS-1797](#), shall be completed at the time of placement. The DSS-1797 assists county child welfare agencies with the determination of responsibilities while the child is in that placement. The agreement should also indicate the timeframes for the sharing of documentation.
- (c.) The [county child welfare](#) worker shall have face-to-face contact with the child(ren) at least monthly. The county child welfare agency shall have more frequent contact when indicated by the child(ren)'s needs. The need for less frequent contact must be documented in writing and the documentation should include the level of contact expected. The county child welfare agency where the placement [provider](#) is located may serve as the monthly contact for the child(ren)'s resident county.
- (d.) There shall be monthly contact with the placement provider in reference to the child(ren)'s needs and progress which shall be documented in the child(ren)'s record. Documentation shall reflect diligent efforts made to contact.
- (e.) In cases where a contractual party is conducting the required contacts, the county child welfare agency shall request regular status reports and have face-to-face contact with the child(ren) at least once a quarter, or there shall be documentation to reflect efforts made or rationale for not making the contact.
- 2.) Collaboration among county child welfare agencies in out-of-home placement cases

Collaboration among all county child welfare agencies involved in a Child Placement [Services](#) case is essential to providing continuity and stability for children and families during the times they most need it. County child welfare agencies must facilitate the transfer of information about the family from one to the other in a timely manner. A thorough transfer of information between [county child welfare](#) workers is critical. Sharing information also helps the child placement worker in developing a timely Out-of-Home Family Services Agreement for the family and a parallel legal plan for achieving safety and permanence for the child(ren) within one year. All information previously

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obtained about the family and a history of the agency's involvement with the family must be thoroughly documented in the case record and effectively transferred from one county child welfare worker to the next.

County child welfare workers may even overlap or share services to the child and family before, during, and after a transfer of a case from one county child welfare agency to the other. Whenever a Child Placement Services case is transferred, a transitional face-to-face visit with the child(ren) and his or her placement provider should be planned with both county child welfare workers present to allow for the child(ren) and placement provider to be introduced to the new worker. This same kind of face-to-face meeting should be arranged with the child's birth family if the plan continues to be reunification in order for the family to be introduced to the new county child welfare worker.

Using the DSS-1797, county child welfare agencies will negotiate who makes contacts with the respective individuals in their counties, and who documents or completes various pieces of the required tools.

VII. ADOPTION

A. Adoption Services

Nothing in this section alters any of the requirements for the delivery of services once the plan for a child has become adoption. The adoption manual can be found in [Chapter VI: Adoption Services](#).

B. When Multiple Counties Become Involved with a Child Who is Legally Free for Adoption

- 1). When the final decree of adoption has been issued
 - (a.) If the adoption dissolves, the county child welfare agency where the child(ren) resides is responsible for the overall case management for the child(ren), including placement and financial responsibility for Child Placement Services. The county child welfare agency that had custody of the child prior to the finalization of the adoption maintains responsibility for Adoption Assistance until adoption assistance issues are resolved.
 - (b.) If the county child welfare agency that had custody of the child(ren) prior to the finalization of adoption decides that it is in the best interest of the child to return to that county, the county child welfare agencies should work together to plan for this. It is important to remember that best practice dictates the county child welfare agency that had custody prior to the finalization share all case information deemed important by the

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county child welfare agency where the child(ren) and adoptive family reside in providing supportive services to the child and placement resources.

- (c.) **If** the child **is** placed in a residential facility, detention facility, hospital, or other treatment facility in another county (not the placing county child welfare agency and not the county child welfare agency where the adoptive parents reside) and the adoptive parents abandon the child, follow the guidelines in this section regarding the assessment of CPS reports involving more than **one** county. The county child welfare agency responsible for initiating the CPS Assessment in this situation will be the county where the facility is located. However, the county child welfare agency where the adoptive parents reside is considered by statute as the county of residence for the child. The resident county child welfare agency will be the county child welfare agency responsible for conducting the CPS Assessment and for filing a juvenile petition, as well as a request for nonsecure custody, if warranted. The resident county child welfare agency has overall responsibility for the case including case management, financial responsibility for child placement services, and adoption assistance if the child is readopted.
- (d.) **If** the child(ren)'s residence with the adoptive parents **is** in another state but the child is in a placement in North Carolina and the adoptive parents abandon the child(ren), the county child welfare agency where the child(ren) is found is responsible for the child's safety and maintains responsibility for placement. This county child welfare agency maintains this responsibility until the state of residence agrees to accept jurisdiction. If a North Carolina county child welfare agency placed the child(ren), they continue to be responsible for Adoption Assistance for the child(ren).

2). When the final decree of adoption has not been issued

If **the** child(ren) is in the legal custody of one county child welfare agency **and** is placed in an adoptive home in another county, the placement disrupts, and the child(ren) must be moved, the county child welfare agency with legal custody of the child is responsible for locating a new placement. That county child welfare agency may request that the county child welfare agency where the child(ren) and adoptive family reside assist by actually removing the child(ren) from the placement.

However, the county child welfare agency **that** has custody of the child(ren) is responsible for transporting the child(ren) to the new placement. In many instances, the county child welfare agency that had been supervising the adoptive placement may have provided significant contact and services to the

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child(ren) during the placement. The two county child welfare agencies may jointly decide that both county child welfare workers need to accompany the child(ren) to the new placement in order to minimize further trauma. This decision should be based on the needs of the child(ren).

The county where the child(ren) resides with the adoptive family is responsible for ensuring the child(ren)'s safety until the county child welfare agency with legal custody moves the child(ren) to the new placement.

The DSS-1797 shall detail the responsibility of each county child welfare agency involved should a disruption occur. Each agreement should individually reflect the child(ren)'s and family's needs.

VIII. VENUE

Requests to change venue should consider the permanent plan for the child(ren), the child(ren)'s current placement, visitation issues, and any other information that affects the well-being of the child(ren). The decision to change venue is at the court's discretion.

A. Notice of Hearing

- 1.) Before filing a motion to change venue of a juvenile court case, the involved county child welfare agencies must discuss the case. When it becomes necessary to request a change of venue, county child welfare agencies must collaborate with one another to achieve a resolution that is in the best interest of the child(ren) without interrupting services to the family. The original county child welfare agency shall ensure that notice of the hearing to transfer venue is served on the county child welfare agency proposed to receive venue so that it is afforded an opportunity to be present at the hearing and to present any arguments against changing venue, or send written consents.
- 2.) An order changing custody of the child(ren) from one county child welfare agency to another should be entered only after that county child welfare agency is given notice and an opportunity to be heard or consented to the transfer.

North Carolina Rule of Civil Procedure 13(h)
(http://www.ncga.state.nc.us/enactedlegislation/statutes/html/bychapter/chapter_1a.html) states, "Parties may be brought in. When the presence of parties other than those to the original action is required for the granting of complete relief in the determination of a counterclaim or cross-claim, the court shall order them to be brought in as defendants as provided in these rules, if jurisdiction of them can be obtained."

North Carolina Rules of Civil Procedure 19(b)
(<http://www.ncga.state.nc.us/enactedlegislation/statutes/html/bychapter/chapter>

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[1a.html](#)) states, "The court may determine any claim before it when it can do so without prejudice to the rights of any party or to the rights of others not before the court; but when a complete determination of such claim cannot be made without the presence of other parties, the court shall order such other parties summoned to appear in the action."

- 3.) If a county child welfare agency fails to appear or respond after having received notice, that county child welfare is considered as having forfeited its right to be heard, and venue may be properly transferred.

B. Changing Venue

Changing venue does not automatically transfer custody of the juvenile(s) to the other county child welfare agency. The court order must specifically state that custody will also transfer. Any order changing venue should include:

- 1.) Language justifying the transfer of venue.
- 2.) The process of physically transferring the case.
- 3.) Clear description of the next action required.

C. When a Parent Moves

When a parent moves and a decision is made to transfer venue, the following should be considered:

- 1.) The permanent plan for the child.
- 2.) The current placement of the child.
- 3.) Visitation issues.
- 4.) Any other relevant facts.

IX. INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

The Interstate Compact on the Placement of Children (ICPC) regulates the interstate movement of children. The Compact is a uniform law that has been enacted by all the fifty states, the District of Columbia, and the US Virgin Islands. The North Carolina legislature enacted the Compact on July 1, 1971. The Compact is the best means to ensure protection and services to children who are placed across state lines for child placement services or adoption.

The Compact is a legally and administratively sound means of placing children across states lines with the same safeguards and services as are available when they are placed within their own state. The Compact provides the means for securing an evaluation of a prospective placement before the child is sent outside the state and provides assurance that the sending state retains jurisdiction over the child sufficient to ensure that the child receives adequate care and protection. Refer to <https://www2.ncdhs.gov/info/olm/manuals/dss/csm-70/man/> for more information.